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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,065	01/15/2002	Anna Ostberg	290630 110072601US/UDO/SU	1088
909 7590 09/10/2007 PILLSBURY WINTHROP SHAW PITTMAN, LLP Eric S. Cherry - Docketing Supervisor P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER MEUCCI, MICHAEL D	
			ART UNIT 2142	PAPER NUMBER
			MAIL DATE 09/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/050,065

Applicant(s)

OSTBERG ET AL.

Examiner

Michael D. Meucci

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 Marcy 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,8,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,8,11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the Request for Continued Examination (RCE) filed 19 March 2007.
2. Claims 1, 3-5, 7, 8, 11, and 12 are currently pending.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(b), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 3, 4, 5, 7, 8, 11, and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant's claim terminology utilizing "means for" render the claims indefinite since the specification provides no insight as to what these means may include. The applicant's specification is little more than a rehashing of claim terminology that fails to provide any structural basis to the system. Incidences of this terminology include but are not limited to:

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"database means," "means connected to or comprised in the top level domain server for identifying a calling party," and "means connected to or comprised in the top level domain server for blocking an unidentified calling party."

6. Claims 4 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear to the examiner how a level of blocking is capable of providing micro debiting. This limitation is not described in the specification in any manner. For the purpose of applying art, it will be presumed that any providing of micro debiting will occur at the debiting server.

7. Claims 4 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear to the examiner how an accumulated micro debiting can be partitioned as disclosed in the claims. The applicant appears to be invoking 35 U.S.C. 112, sixth paragraph by using "means for" terminology, but does not provide any description in the specification as to how this occurs. For the purpose of applying art, it will be presumed by the examiner that a

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micro payment will be made to at least one of the top level domain and a registered service provider.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. The claims appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. The examiner suggests rewriting claims in proper English to avoid improper interpretation.

10. Claims 1, 3-5, 7, 8, 11, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claims 1 and 5 recite the limitation "said first level of blocking." There is insufficient antecedent basis for this limitation in the claim. Exemplary claim 1 states: "a first level of blocking unwanted communication, said first level of blocking..." The statement "a first level of blocking unwanted communications" does not antecede "a first level of blocking." As such, the limitation is indefinite. Correction is required.

b. Claim 1 recites the limitation "second level of blocking providing micro debiting..." It is unclear to the examiner what is being blocked and how it is being blocked. For the purpose of examination, the examiner presumes that --unwanted traffic-- is being blocked in the same manner as the first level of blocking.

c. Claims 11 and 12 recite the limitation "means in the debiting server for percentage partitions in at least two entries of accumulated micro debittings for every

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session during login, which entries are credited to at least one of the top level domain and a registered service provider." The claims in their entirety are unclear. Because the examiner is unable to determine what is meant to be disclosed by these limitations, a general art rejection has been issued. Amendment to and clarification of the claims is required.

d. Claims 1, 3, 4, 5, 7, 8, 11, and 12 improperly recite "means for" terminology including "means connected to or comprised in the top level domain server for identifying a calling party during..." (claim 1), "means for partitioning..." (claims 3 and 4), "connecting database means to the top level domain server for registering..." (claim 5), and "means in the debiting server for percentage partitions..." (claims 11 and 12). The applicant's appears to be trying to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967). The applicant's specification provides no additional insight as to what each of these claimed "means" may include and are therefore considered indefinite.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 1, 3-5, 7, 8, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardos et al (U.S. 6,880,007) hereinafter referred to as Gardos, in view of Peled et al. (U.S. 2002/0016831) hereinafter referred to as Peled, Sheth et al. (U.S. 6,874,030) hereinafter Sheth, and Ling (U.S. 7,177,838 B1).

13. Regarding claims 1 and 5 Gardos teaches: a first level of blocking unwanted communication, said first level of blocking being in the form of a top level domain requiring registration for web sites residing within the domain, whereby registered websites are approved after examination within stated criteria for said top level domain (col.. 1 lines 45-65, col.. 2 lines 1-4, col.. 4 lines 3-7, and Fig 7); at least one top level domain server for connection to the top level domain (col. 2, lines 5-15), domain server having files and software (col. 2, lines 10-15); database means connected to the top level domain server for registering and approving of a service provider residing within the top level domain (line 65 of column 1 through line 3 of column 2).

Gardos does not explicitly teach: means connected to or comprised in the top level domain server for identifying a calling party during login to the top level domain. However, Peled discloses: "Connections via the Internet or any other global electronic network, may thus be assisted by the availability of authentic data concerning the identity of the potential user and/or consumer requesting electronic goods," (paragraph [0003] on page 1).

Gardos does not explicitly teach: a second level of blocking providing micro debiting through a debiting server during connection to the top level domain, the second

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level of blocking including means for debiting of the top level domain via micro debiting and means for accumulating said micro debiting during every session a user is connected to said domain. However, Peled discloses: "That is to say the ISP's may debit the distributor, so that connecting to a user through several ISPs in order to download media content may render the transaction uneconomical for the distributor," (paragraph [0011] on page 1 of Peled).

Gardos does not explicitly teach of blocking an unidentified calling party. However, Sheth teaches of blocking an unidentified calling party (col. 3, lines 53-36) and whereby registration of those connected to the domain and the identification of a calling party prevents a free connection and anonymity in computer networks through said top level domain server (16), which accomplishes a top level domain purged from unwanted network traffic (col. 2, lines 35-42). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Sheth and Peled because the inventions relate to communication via the Internet. One of ordinary skill in the art at the time of invention would have been motivated to make the above-mentioned modifications because it would have resulted in a more secure communication system by preventing unauthorized access to system resources. This is desirable as discussed by Peled (Paragraph [0021]).

While Peled does teach debiting (as described above) in general, Peled and Gardos do not explicitly teach micro debiting. However, Ling discloses: "Additionally, some software rentals may have a very low cost. For example, renting a single page use of a translation package may cost less than the typical fees associated with

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processing credit card transactions. Such "micropayment" transactions, sometimes amounting to only fractions of a cent, may also occur in the context of providing access to media, or Web-based services, such as search engines," (lines 24-30 of column 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to use micro debiting. "In each of these cases, it is necessary to provide a way for users to pay for such transactions without incurring the overhead of a credit card charge," (lines 30-33 of column 2 in Ling). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to use micro debiting in the system as taught by Gardos. Additionally, the applicant admits that micro debiting is well known in the art (see paragraph 4, page 7 of applicant's remarks filed 19 March 2007 and submitted articles "PayWord" and "MicroMint").

One of ordinary skill in the art at the time of invention would have been motivated to make the above-mentioned modifications because it would have resulted in a more secure communication system by preventing unauthorized access to system resources. This is desirable as discussed by Peled (Paragraph [0021]).

14. Regarding claim 3 and 7, Gardos teaches: the web address of the one connected is stored for debiting in a database (col. 2, lines 20-25).

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15. Regarding claim 4, Gardos teaches: means for partitioning an accumulated micro debiting into at least two entries for every session during login, where the entries are credited to at least one of the top level domain and a registered service provider (Fig. 7).

16. Regarding claim 8, Gardos teaches: wherein the micro debiting includes partitioning an accumulated micro debiting into at least two entries for every session during login, wherein the entries are credited to at least one of the top level domain and a registered service provider (Fig 7).

17. Regarding claims 11 and 12, Gardos does not explicitly teach: means in the debiting server for percentage partitions in at least two entries of accumulated micro debitings for every session during login, which entries are credited to at least one of the top level domain and a registered service provider. However, Ling discloses: "Additionally, some software rentals may have a very low cost. For example, renting a single page use of a translation package may cost less than the typical fees associated with processing credit card transactions. Such "micropayment" transactions, sometimes amounting to only fractions of a cent, may also occur in the context of providing access to media, or Web-based services, such as search engines," (lines 24-30 of column 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to use micro debiting. "In each of these cases, it is necessary to provide a way for users to pay for such transactions without incurring the overhead of a credit

card charge," (lines 30-33 of column 2 in Ling). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to use micro debiting in the system as taught by Gardos.

Response to Arguments

18. Applicant's arguments with respect to claims 1, 3-5, 7, 8, 11, and 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35

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U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Andrew Caldwell".

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER